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UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

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JANET NALDER,

Plaintiff,

v.

ROOT INSURANCE COMPANY,

Defendant.

**NOTICE OF REMOVAL**

Case No.: 1:24-cv-68

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant hereby gives notice of removal to the United States District Court for the District of Utah, Northern Division, of the following case pending in the Second Judicial District Court for Davis County, State of Utah:

*Janet Nalder v. Root Insurance Company,*  
Civil no. 240700240, pending before Judge Rita Cornish

Copies of all process and pleadings in the state-court action (including a docket sheet) are attached hereto as Exhibit 1. On April 22, 2024, the Second District Court entered its Ruling and Order Granting Defendant Root Insurance Company's Motion to Sever Claims, in which the claims against non-diverse defendants were severed

from this action. As 30 days has not expired since Defendant received a copy of an order making the action removable, removal of this action is timely under 28 U.S.C. §1446(b)(3).

**STATEMENT OF GROUNDS FOR REMOVAL**  
**(DIVERSITY JURISDICTION)**

1. Plaintiff's Complaint alleges causes of action against Defendant for
  - a. Breach of Contract (¶¶ 35-42);
  - b. Breach of the Covenant of Good Faith and Fair Dealing (¶¶ 43-48);
  - c. Breach of Utah Code § 31A-26-301 and § -303 and Utah Admin Code R590-190-10 (¶¶ 49-53); and
  - d. Unjust Enrichment (¶¶ 54-58).
2. Plaintiff Janet Nalder is a resident of the State of Utah.
3. Defendant Root Insurance Company is a corporation duly formed and incorporated under the laws of Ohio and is headquartered in Ohio.
4. Plaintiff's Complaint seeks damages of an indeterminate amount but alleges that Plaintiff's damages are sufficient to qualify for Discovery Tier 3 under Rule 26(c)(5), which is reserved for a claim of damages in excess of \$300,000.00. *See State Auto Ins. Cos. v. Christensen*, No. 2:19-cv-00751-DBB, 2020 WL 956894, at \*3 (D. Utah Feb. 27, 2020) (finding that a complaint adequately pled damages in excess of \$75,000 where it stated that her case "falls within Tier 3 of Rule 26(c)(3) of the Utah Rules of Civil Procedure.").

5. Under federal law, “the district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000 . . . and is between citizens of different states . . . .” 28 U.S.C. §1332(a).

6. Because Plaintiff is a citizen of Utah and Defendant is a citizen of Ohio, and the amount in controversy exceeds \$75,000, the United States District Court has original jurisdiction.

7. Under 28 U.S.C. § 1441(a), “any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants to the district court of the United States for the district and division embracing the place where the action is pending.”

8. The case is pending in the Second Judicial District Court of the State of Utah. The United States District Court for the District of Utah, Northern Division, embraces the Second Judicial District

9. Accordingly, Plaintiffs’ action should be removed to the United States District Court for the District of Utah on the basis of diversity jurisdiction.

10. Notice of the filing of this Notice of Removal has been filed in the Second District Court of the State of Utah. A copy of this notice is attached as Exhibit 2.

DATED this 26th day of April, 2024.

/S/ Benjamin Hodgson  
Benjamin Hodgson  
RIGHI FITCH LAW GROUP  
Attorney for Defendant Root Insurance Co.

### **CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF REMOVAL to be delivered via the CM/ECF system and via email to the following recipients:

Steve J. Johnson  
LAW OFFICE OF STEVE JOHNSON  
[steve@yourpipro.com](mailto:steve@yourpipro.com)  
*Attorney for Plaintiff*

DATED this 26th day of April, 2024.

/S/ Benjamin Hodgson  
Benjamin Hodgson

### **INDEX OF PLEADINGS TO DATE (EXHIBIT 1)**

Docket of Case no. 240700240, Second Judicial District Court of Utah (accessed Apr. 23, 2024).....	1
Plaintiff's Complaint (filed Feb. 28, 2024).....	4
Return of Service—Myron Williams (filed Mar. 6, 2024).....	19
Return of Service—Root Insurance (filed Mar. 6, 2024) .....	22
Return of Service—Sunrise Engineering (filed Mar. 15, 2024) .....	25
Root Insurance Co.'s Answer to Complaint and Jury Demand (filed Apr. 1, 2024) .....	26
Root Insurance Co.'s Motion to Sever Claims (filed Apr. 1, 2024).....	43
Notice of Event Due Dates (filed Apr. 1, 2024).....	49
Plaintiff's Opposition to Motion to Sever Claims (filed Apr. 12, 2024) .....	50
Certificate of Service—Plaintiff's Initial Disclosures (filed Apr. 16, 2024) .....	58
Reply Memorandum Supporting Motion to Sever Claims (filed Apr. 17, 2024) .....	60
Request to Submit for Decision—Motion to Sever Claims (filed Apr. 17, 2024).....	65
Defendants Williams and Sunrise Engineering's Answer to Complaint (filed Apr. 19, 2024).....	67
Ruling and Order Granting Defendant Root Insurance Company's Motion to Sever Claims (filed Apr. 22, 2024) .....	79